

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHAN HUE, Pro Se  
Plaintiff  
vs.

JAMES UPDIKE, JOSEPH MATALONI,  
EDWARD O'BRIEN and DALE HAZLACK,  
Defendant's

CIVIL ACTION-LAW

NO#1:CV-01-1064

JUDGE(YVETTE KANE)  
MAGISTRATE(SMYSER)

55  
722-0  
SC  
FILED  
HARRIS

JUL 1

MARY E. DAN  
Per 9/8  
Dep

I.MOTION TO COMPEL RELEVANT,PROBATIVE  
MATERIAL AND ESSENTIAL DOCUMENT'S AND THINGS FOR THE  
PURPOSE OF DISCOVERY PURSUANT TO 26.1 AND 37(A)

TO THE HONORABLE, THE JUDGE AND JUDGES OF SAID COURT:

Plaintiff, Phan Hue, in propia persona, respectfully hereby moves this Court for Order's to be issued upon the Defendant's and their Counsel's, to produce true, correct and accurate copies of the Bilateral Contractual Agreement, between Correctional Health Care Associates, Pennsylvania State and the Pennsylvania Department of Corrections with all past and current Amendment's to the existing health care contract, and avers hereof:

1. That, Plaintiff, Phan Hue is an adult male individual whose currently being housed under the care of the Pennsylvania State, Department of Corrections at SCI Retreat, #660, State Route 11, Hunlock Creek, Pennsylvania, 18621-9580.

2. That, Plaintiff in the present subject matter litigation is a pro se, illiterate inmate whose a native of the Foreign Country of Vietnam.

3. That, Plaintiff has moved the Defendant's for true and correct copies of the existing Medical Contract pursuant to the Health Care he's entitled to while housed under the State's Care

Custody and Control.

4. That, Plaintiff seeks the Contractual Agreement entered into with the current Medical Care provider's based upon the criteria therein is relevant, probative, material and essential in proving his cause's of injuries.

5. That, Plaintiff avers pursuant to his third party beneficiary rights he is entitled to the requested Contract and all Amendment's to present of date of this receipt.

6. That, Plaintiff avers the Defendant's to present have refused to furnish to him true, correct, accurate and complete copies of this information for answering of Discovery and Interrogatories.

7. That, Plaintiff requests of this Court to take Judicial Notice that he has complied with all request's of this Court and of the named Defendant's to supply them with copies of his Discovery in full entirety to date, absent of any cost's attributed to them and all cost's have been fully incurred out of the plaintiff's account.

8. That, Plaintiff seeks the requested information's and the named Defendant's refuse to provide such for litigation and moreoverly the named Defendant's have tried to add additional cost's for copies of said contractual agreement to thwart plaintiff from effectively representing his cause at issue."

9. That, Defendant's have the obligation to produce to Plaintiff said contract under the Federal Rules of Civil Procedures 26.1 and 37(a), to include the Federal Rules of Evidences, however, remain obstinant to date and Counsel's remain trying to put their duties on a uninterested party to this litigation to produce such."

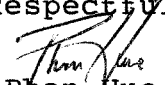
10. That, Plaintiff avers this duty is the Defendant's and their Counsel's, therefore to put these duties on said Secretary is contrary to the Federal Rules of Discovery and the duties of Counsel for a Civil Defendant.

11. That, Plaintiff avers the requested document's and things were requested of Counsel's who refuse to oblige per this request and moreoverly, once again are trying to manipulate the Plaintiff into paying for his Discovery, whereby he has not charged any of the Defendant's for copies of the document's and thing's they sought.

12. That, Plaintiff, in the instant subject matter, request's of the Court to assist this request with the Motion to Compel the requested copies of the Medical Contract, with all duties, criteria, protocol, and names of the parties thereto, in full entirety with the amendment and/or sanctions be imposed against the Defendant's for their failure to comply with said request and orders."

WHEREFORE, for all the foregoing reasons, Your Plaintiff, respectfully avers the said Contract is Requested to be Compelled by and through the Defendant's and their Counsel's in complete accuracy." And He Shall, Ever Pray."

Respectfully Submitted,

  
Phan Hue, Pro Se  
#660, State Route 11  
Hunlock Creek, Pa.  
18621-9580

Freedom of Information Act, Right To Know Act  
and Privacy Act, entitles of such."

#### CERTIFICATION

I Phan Hue, duly depose and says, the informations in the foregoing are interperated and translated and accurate to the best of my belief knowledge and informations under 28 U.S.C. §1746

Phan Hue, Pro Se  
PROOF OF SERVICE (Sent By First Class, U.S. Mail)  
U.S. Clerk of Courts & Judge, Magistrate  
Harrisburgh P.A., 17011